

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
SHELBY DIVISION

Charles R. Jonas Federal Courthouse  
401 W. Trade Street  
Charlotte, NC 28202  
Customer Service: (704) 350-7500

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*The United States Bankruptcy Court will be **CLOSED**  
Monday, January 2, 2023*

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**Updated as of 01/04/2023**

***PLEASE SCROLL DOWN TO VIEW THE COURT SCHEDULE OF  
HEARINGS FOR THE WEEK OF  
JANUARY 3 - 6, 2023***

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**01/05/2023**

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

In re

DBMP LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 20-30080 (JCW)

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants,

Plaintiffs,

v.

DBMP LLC and CERTAINTEED LLC,

Defendants.

Adv. Pro. No. 21-03023 (JCW)

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, and  
SANDER L. ESSERMAN, in his capacity as  
Legal Representative for Future Asbestos  
Claimants, each on behalf of the estate of  
DBMP LLC,

Plaintiffs,

v.

CERTAINTEED LLC, CERTAINTEED  
HOLDING CORPORATION, and  
SAINT-GOBAIN CORPORATION,

Defendants.

Adv. Pro. No. 22-03000 (JCW)

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 8817. The Debtor's address is 20 Moores Road, Malvern, Pennsylvania 19335.

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, on behalf of  
the estate of DBMP LLC, and SANDER L.  
ESSERMAN, in his capacity as Legal  
Representative for Future Asbestos  
Claimants, each on behalf of the estate of  
DBMP LLC

Plaintiff,

v.

Adv. Pro. No. 22-03001 (JCW)

COMPAGNIE DE SAINT-GOBAIN S.A.,  
SAINT-GOBAIN CORPORATION,  
SAINT-GOBAIN DELAWARE CORPORATION,  
CERTAINTEED LLC, CERTAINTEED  
HOLDING CORPORATION, JOSEPH BONDI,  
SEAN KNAPP, LAWRENCE RAYBURN,  
MICHAEL STARCZEWSKI, VINCENT  
DINENNA, ROBERT PANARO, DONALD  
MELROY, PIERRE-ANDRÉ DE CHALENDAR,  
BENOIT BAZIN, ANTOINE VIGNIAL, HUBERT  
REICHARDT, DANIEL BIARNEIX, SREEDHAR  
NATARAJAN, GUILLAUME TEXIER, THOMAS  
KINISKY, CAROL GRAY, JOHN SWEENEY,  
ERIC PLACIDET, MARK RAYFIELD, and  
KEITH CAMPBELL,

Defendants.

**NOTICE OF AGENDA OF MATTERS**  
**SCHEDULED FOR HEARING ON JANUARY 5, 2023**

Time of Hearing: 9:30 a.m. (prevailing Eastern Time)

Location of Hearing: Courtroom of the Honorable Judge J. Craig Whitley, United States  
Bankruptcy Court for the Western District of North Carolina, Charlotte  
Division, JCW Courtroom 2-B, 401 West Trade Street, Charlotte, North  
Carolina 28202

## **CONTESTED MATTER GOING FORWARD IN BASE CASE AND ADVERSARY PROCEEDINGS**

1. Case Management Order [Adv. Pro. 21-3023, [Dkt. 94](#); Adv. Pro. 22-3000, [Dkt. 48](#); Adv. Pro. 22-3001, [Dkt. 37](#)].

**Status:** The Court previously held status conferences on its *in camera* review pursuant to part C.4 of the Case Management Order and on potential next steps regarding privilege issues on October 31, 2022, November 16, 2022 and December 15, 2022. A hearing on next steps in this matter is going forward. In addition, per the Court's request, the parties will be prepared to discuss potential candidates to serve as a discovery referee.

### **Related Documents:**

- A. Correspondence from the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to the Court, dated July 18, 2022 [[Dkt. 1517](#); Adv. Pro. 21-3023, [Dkt. 122](#); Adv. Pro. 22-3000, [Dkt. 87](#); Adv. Pro. 22-3001, [Dkt. 69](#)] (the "Claimant Representatives' Letter").
- B. Correspondence from the Debtor to the Court in Response to the Claimant Representatives' Letter, dated August 1, 2022 [[Dkt. 1524](#); Adv. Pro. 21-3023, [Dkt. 125](#); Adv. Pro. 22-3000, [Dkt. 92](#); Adv. Pro. 22-3001, [Dkt. 72](#)] (the "Debtor's Letter").
- C. Correspondence from the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to the Court in Response to the Debtor's Letter, dated August 5, 2022 [[Dkt. 1532](#); Adv. Pro. 21-3023, [Dkt. 126](#); Adv. Pro. 22-3000, [Dkt. 94](#); Adv. Pro. 22-3001, [Dkt. 73](#)] (the "Claimant Representatives' Response Letter").
- D. Correspondence from the Debtor to the Court in Response to the Claimant Representatives' Response Letter, dated August 8, 2022 [[Dkt. 1534](#); Adv. Pro. 21-3023, [Dkt. 127](#); Adv. Pro. 22-3000, [Dkt. 95](#); Adv. Pro. 22-3001, [Dkt. 74](#)].
- E. Plaintiffs' Brief in Support of Crime-Fraud/Waiver Motion [[Dkt. 1789](#); Adv. Pro. 21-3023, [Dkt. 168](#); Adv. Pro. 22-3000, [Dkt. 141](#); Adv. Pro. 22-3001, [Dkt. 119](#)].
- F. Defendants' Brief Regarding Proposed Protocol for Addressing and Resolving Privilege-Challenge Motion [[Dkt. 2051](#); Adv. Pro. 21-3023, [Dkt. 178](#); Adv. Pro. 22-3000, [Dkt. 150](#); Adv. Pro. 22-3001, [Dkt. 128](#)].
- G. Plaintiffs' Reply Brief in Support of Crime-Fraud/Waiver Motion [[Dkt. 2054](#); Adv. Pro. 21-3023, [Dkt. 180](#); Adv. Pro. 22-3000, [Dkt. 151](#); Adv. Pro. 22-3001, [Dkt. 129](#)].

Dated: January 3, 2023  
Charlotte, North Carolina

Respectfully submitted,

/s/ Garland S. Cassada

Garland S. Cassada (NC Bar No. 12352)  
David M. Schilli (NC Bar No. 17989)  
Andrew W.J. Tarr (NC Bar No. 31827)  
ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, North Carolina 28246  
Telephone: (704) 377-2536  
Facsimile: (704) 378-4000  
E-mail: gcassada@robinsonbradshaw.com  
dschilli@robinsonbradshaw.com  
atarr@robinsonbradshaw.com

Gregory M. Gordon (TX Bar No. 08435300)  
JONES DAY  
2727 North Harwood Street, Suite 500  
Dallas, Texas 75201  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100  
E-mail: gmgordon@jonesday.com  
(Admitted *pro hac vice*)

Jeffrey B. Ellman (GA Bar No. 141828)  
JONES DAY  
1221 Peachtree Street, N.E., Suite 400  
Atlanta, GA 30361  
Telephone: (404) 581-3939  
Facsimile: (404) 581-8330  
E-mail: jbellman@jonesday.com  
(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTOR AND  
DEBTOR IN POSSESSION

\*\*\*\*\*  
01/06/2023  
\*\*\*\*\*

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

FRIDAY, JANUARY 6, 2023

*Steven G. Tate, Trustee*

9:30 a.m. (in Charlotte)

12 Jeffery L. Benfield  
April E. Benfield

21-40009

6th continue hearing on Trustee's  
Report and Motion for Claims  
Determination (109); Debtors'  
Response (110); Response of the IRS  
(117)

JOHNSON  
WOOD

**CON'T TO 1/19 AT 9:30 A.M. IN CHARLOTTE**

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***NO COURT***

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**HONORABLE J. CRAIG WHITLEY**

**THERE ARE NO HEARINGS SCHEDULED FOR  
JANUARY 3 - 4, 2023**

**SCHEDULE CHANGES OCCUR DAILY.  
PLEASE REFER TO ANY FILED NOTICES  
OR ADVISE THE COURT IF THERE IS A NEED  
FOR A SPECIAL HEARING DATE.**